

SENATE BILL NO. 38

BY SENATOR JOHNS

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AN ACT

To amend and reenact R.S. 33:2473(20), 2481.4(C)(1), 2481.6(C)(1), 2490(E) and (F), 2491(D) and (H), 2491.3(B), 2494(C), and 2498, relative to the city of Lake Charles; to provide relative to the municipal fire and police civil service system; to provide for definitions; to provide relative to the certification and appointment of eligible persons in the police department; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2473(20), 2481.4(C)(1), 2481.6(C)(1), 2490(E) and (F), 2491(D) and (H), 2491.3(B), 2494(C), and 2498 are hereby amended and reenacted to read as follows:

§2473. Definitions

The following words and phrases when used in this Part shall have the following meaning, unless the context clearly requires otherwise:

* * *

20. "Seniority" means the following:

(a) "Departmental seniority" means the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed and has worked continuously to and including the date of computation. Time during which an employee has served in the armed forces of the United States subsequent to May 1, 1940, not to exceed four years, shall be construed to mean continuous service and shall be included in the computation of his **departmental** seniority. Total **departmental** seniority ~~in the departmental service~~, including positions of any and all classes, or seniority in any one or more given classes, may be computed for an employee, but in either case employment shall be continuous and unbroken by a resignation or discharge of the respective employee. An employee

1 who is finally discharged or resigns from his position shall forfeit all accumulated
2 **departmental** seniority. An employee who is suspended and returns to his position
3 immediately following the expiration of his suspension shall not forfeit his
4 **departmental** seniority accumulated to the date of his suspension, but he shall not
5 be given credit for the lost time at any future computation.

6 **(b) "Promotional seniority" means the total cumulative employment in**
7 **a class of positions of the next lower class from which a promotion is to be**
8 **made. Employment counted toward seniority in the next lower class shall**
9 **include the aggregate of all temporary appointments, the working test period,**
10 **and employment as a regular and permanent employee in the class, less the**
11 **aggregate of suspensions without pay while serving in a position of the class.**
12 **The appointing authority shall maintain accurate records of appointments and**
13 **suspensions, and shall report such appointments and suspensions to the board**
14 **in strict compliance with R.S. 33:2503.**

15 * * *

16 §2481.4. Deputy chief of police; competitive appointment

17 * * *

18 C.(1) Any person who is appointed from a position in the classified police
19 service to serve as deputy chief of police shall not forfeit his **departmental or**
20 **promotional** seniority accumulated to the date of his appointment, and he shall
21 continue to accumulate **departmental or promotional** seniority in accordance with
22 the provisions of this Part during the time he holds the position of deputy chief of
23 police. The deputy chief of police shall serve indefinitely in the classified
24 competitive position and shall be evaluated every three years by the chief of police.
25 After each evaluation by the chief of police, the chief may reconfirm the deputy chief
26 for another three year period, or may, at his discretion, demote the deputy chief to
27 his former class of positions.

28 * * *

29 §2481.6. Chief of administration of fire department; competitive appointment

30 * * *

1 C.(1) Any person who is appointed from a position in the classified fire
 2 service to serve as chief of administration of fire department shall not forfeit his
 3 **departmental** seniority accumulated to the date of his appointment, and he shall
 4 continue to accumulate **departmental** seniority in accordance with the provisions
 5 of this Part during the time he holds the position of chief of administration of fire
 6 department.

7 * * *

8 §2490. Reinstatement and reemployment

9 * * *

10 E. Any regular employee who resigns or retires from a position in the
 11 classified service may, with the prior approval of the board, be reemployed in a
 12 position of the class in which he was employed immediately preceding his
 13 resignation or retirement or in a position in any lower class. Any such employee may
 14 be reemployed at any time after his resignation or retirement, but he shall be
 15 qualified for the position to which he is reemployed. In addition, the employee shall
 16 be reemployed with the **departmental and promotional** seniority accumulated
 17 through the date of reinstatement; however, a regular employee shall be reemployed
 18 as provided in this Subsection only if his resignation or retirement occurred as a
 19 result of the employee being unable to perform the essential functions of his job upon
 20 sustaining any injury that is compensable pursuant to the provisions of Chapter 10
 21 of Title 23 of the Louisiana Revised Statutes of 1950.

22 F. Any regular employee who retires from a position in the classified fire
 23 service as a result of an injury or a medical condition which prevents him from
 24 performing the essential functions of his job, may, with the prior approval of the
 25 board, be reemployed in a position of the class in which he was employed
 26 immediately preceding his retirement or in a position in any lower class. Any such
 27 employee may be reemployed at any time after his retirement, but he shall be
 28 qualified for the position to which he is reemployed and be able to perform the
 29 essential functions of the position. In addition, the employee shall be reemployed
 30 with the **departmental and promotional** seniority accumulated through the date of

1 retirement. This Subsection shall not be applicable to employees whose injury or
2 medical condition resulted from their own negligent or intentional act.

3 * * *

4 §2491. Establishment and maintenance of employment lists

5 The board shall establish and maintain employment lists containing names
6 of persons eligible for appointment to the various classes of positions in the
7 classified service, as follows:

8 * * *

9 **D.(1) Except as provided for in Paragraph (2) of this Subsection, names**

10 ~~Names~~ of persons attaining a passing score on a promotion test shall be placed upon
11 the promotion employment list for the class for which they were tested, from highest
12 to lowest, according to their total **departmental** seniority ~~in the departmental~~
13 ~~service~~. The names of persons attaining a passing score on a competitive test shall
14 be placed upon the competitive employment list for the class for which they were
15 tested, from highest to lowest, according to their final test scores.

16 **(2) Names of persons attaining a passing score on the promotional test**
17 **in the Lake Charles Police Department shall be placed upon the promotion**
18 **employment list for the class for which they were tested, from highest to lowest,**
19 **according to their total promotional seniority in the next lower class. If two or**
20 **more persons possess an equal amount of promotional seniority, the names of**
21 **those persons shall be placed on the promotional list in the order of**
22 **departmental seniority, from highest to lowest.**

23 * * *

24 **H.(1) Except as provided in Paragraph (2) of this Subsection, when** ~~When~~

25 new names are to be placed upon a promotion list for a given class, the remaining
26 names thereon shall be rearranged with the new names so that all names appearing
27 upon the list for the class shall rank, from highest to lowest, according to total
28 **departmental** seniority ~~in the departmental~~ service.

29 **(2) When new names are to be placed upon a promotion list for a given**
30 **class in the Lake Charles Police Department, the remaining names thereon shall**

1 be rearranged with the new names so that all names appearing upon the list for
 2 the class shall rank, from highest to lowest, according to total promotional
 3 seniority in the next lower class from which the promotion list is established. If
 4 two or more persons possess an equal amount of promotional seniority, the
 5 names of those persons shall be placed on the promotional list in the order of
 6 departmental seniority, from highest to lowest.

7 (3) When new names are to be placed upon a competitive list for a given
 8 class, the remaining names thereon shall be rearranged with the new names so that
 9 all names appearing upon the list for the class shall rank, from highest to lowest,
 10 according to their final test scores.

11 * * *
 12 §2491.3. Promotional employment lists; limitations

13 * * *
 14 B. Notwithstanding the provisions of R.S. 33:2491 and Article XIV, Section
 15 15.1, Paragraph 21 of the Louisiana Constitution of 1921 made statutory by Article
 16 X, Section 18 of the Louisiana Constitution of 1974, departmental service in any
 17 classified police position with the primary duty or responsibility of police
 18 headquarters desk service, jailer, police matron, operations and maintenance of radio,
 19 police alarm or signal system, automotive or police apparatus repairs, secretary to
 20 the chief, or department records clerk shall not be counted by the municipal fire and
 21 police civil service board of the city in determining the total **departmental or**
 22 **promotional** seniority in the departmental service of a person for purposes of
 23 ranking the name of that person on a promotional employment list for a classified
 24 police position with the primary duty or responsibility of law enforcement, a position
 25 as a chief or assistant chief, or a position as an intradepartmental division, bureau,
 26 squad, platoon, or company officer of the police department.

27 * * *
 28 §2494. Certification and appointment

29 * * *
 30 C.(1) In the event a vacancy cannot be filled by reinstatement, or by

1 reemployment as above provided, the board shall next certify the names of the
2 persons upon the promotional list, in the order in which they appear thereon, for the
3 class in which the vacancy is to be filled. The appointing authority shall select and
4 appoint to the first vacancy to be filled the one person certified to him who has the
5 greatest seniority in the departmental service. Any remaining positions to be filled
6 in the same class shall be filled by appointing to each such successive vacancy the
7 one of the remaining persons certified therefor who has the next highest seniority in
8 the departmental service. If any one or more persons so certified should refuse the
9 appointment, the appointing authority shall then select and appoint one of the
10 persons certified by the board with the next highest seniority in the departmental
11 service. This procedure shall be followed until the position has been filled by
12 appointment of the one person who has the greatest seniority in the departmental
13 service, and who is willing to accept the appointment, or until each person whose
14 name appears upon the list, has in this order been certified and offered the
15 appointment for the vacancy.

16 **(2) Notwithstanding any other provision of law to the contrary, the**
17 **municipal fire and police civil service system for the city of Lake Charles shall**
18 **fill a vacant position in the police department in the following manner:**

19 **(a) In the event a vacancy cannot be filled by reinstatement, or by**
20 **reemployment as provided in Subsections A and B of this Section, the board**
21 **shall next certify the names of the persons upon the promotional list, in the**
22 **order in which they appear thereon, for the class in which the vacancy is to be**
23 **filled.**

24 **(b) The appointing authority shall select and appoint to the first vacancy**
25 **to be filled the one person certified to him who has the greatest promotional**
26 **seniority in the next lower rank. Any remaining positions to be filled in the**
27 **same class shall be filled by appointing to each such successive vacancy the one**
28 **of the remaining persons certified therefor who has the next highest**
29 **promotional seniority in the next lower class.**

30 **(c) If any one or more persons so certified should refuse the appointment,**

1 the appointing authority shall then select and appoint one of the persons
 2 certified by the board with the next highest promotional seniority in the next
 3 lower class. This procedure shall be followed until the position has been filled
 4 by appointment of the one person who has the greatest promotional seniority
 5 in the next lower class, and who is willing to accept the appointment, or until
 6 each person whose name appears upon the list, has in this order been certified
 7 and offered an appointment to the vacancy.

8 (d) If two or more persons possess an equal amount of promotional
 9 seniority, those persons shall be reinstated or listed on the promotional list and
 10 offered promotions in the order of departmental seniority, from highest to
 11 lowest.

12 * * *

13 §2498. Abolition of positions in the classified service

14 A. Whenever the appointing authority abolishes a position in the classified
 15 service and there is no position vacant in the respective class to which the regular
 16 employee of the abolished position may be transferred, the employee shall be
 17 transferred to any position of the same class which may be held by a provisional
 18 employee. If there is no such position he shall be transferred to another position in
 19 the respective class, and the holder of that position shall thereupon be demoted in the
 20 order provided by R.S. 33:2488.

21 B. Whenever an entire class is abolished in the classified service, the regular
 22 employees of the class shall be demoted to lower classes and priority to positions
 23 shall be governed by total seniority earned in the departmental service in the order
 24 of highest to lowest.

25 C. Notwithstanding the provisions of Subsection B of this Section, in the
 26 Lake Charles Police Department, whenever an entire class is abolished in the
 27 classified service, the regular employees of the class shall be demoted to lower
 28 classes and priority to positions shall be governed by total promotional seniority
 29 earned in the class in the order of highest to lowest. If two or more persons
 30 possess an equal amount of promotional seniority, the names of such persons

1 **shall be placed on the promotional list in the order of departmental seniority,**
2 **from highest to lowest.**

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____